IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
THURSDAY, THE SEVENTEENTH DAY OF JUNE
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE N.V. RAMANA
WRIT PETITION NO : 9803 of 2004

Between:
1 Talipineni Saileela, W/o.Late T.Ramasubbaiah,
R/o.Kotha Cheruvu Village & Mandal, Ananthapur District.
2 T.Suresh Babu, S/o.T.Ramasubbaiah,
R/o.Kotha Cheruvu Village & Mandal, Ananthapur Dist.
..... PETITIONER(S)

AND

1 The Vice Chairman, Sri Satya Sai Urban Development Authority,Puttaparthi,
Puttaparthi Town,Ananthapur Dist.
2 The District Collector, Ananthapur District, Ananthapur.
3 The M.R.O,Puttaparthi Town, Ananthapur District.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ order or direction more particularly one in the nature of writ of mandamus declaring the action of the 1st respondent in seeking to remove the construction made in S.No.221-1 of Kappalabanda village, Puttaparthi Mandal, Ananthapur District pursuant to the show cause notice issued in U.C.No.10/2004/TPA, 3-6-2004 as illegal, arbitrary and violative of Articles 14 and 21 of the Constitution of India and consequently direct the respondent not to remove the construction made pursuant to the show cause notice dt.3-6-2004 and pass.

For the Petitioner:MR.KARNAMRAMESH, Advocate

For the Respondent No.1: Standing Counsel

For the Respondent Nos.2 & 3: GP FOR REVENUE

The Court made the following Order :

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W.P. No. 9803 of 2004

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Heard the learned counsel for the petitioners, the learned Standing Counsel for respondent No.1 and the learned Government Pleader for Revenue for the respondent Nos. 2 and 3.

Assailing the show cause notice dated 3-6-2004, issued by respondent No.1 calling upon the petitioners to show cause why the illegal constructions should not be removed, the petitioners filed the present writ petition.

The learned counsel for the petitioners submits that though the petitioners submitted their explanation to the impugned show cause notice on 9-6-2004, respondent No.1 without considering the same and without passing any orders thereon, is attempting to demolish the constructions being made by the petitioners in accordance with the permission granted by respondent No.1.

Inasmuch as it is stated that the petitioners had already submitted their explanation to the impugned show cause notice, I deem it appropriate to dispose of the writ petition with the following directions:

If the explanation submitted by the petitioners pursuant to the impugned show cause notice did not receive the consideration of respondent No.1, then he shall now consider and dispose of the same in accordance with law, and pass appropriate orders, and take appropriate action in accordance therewith. Till respondent No.1 undertakes such exercise, status quo obtaining as on today shall be maintained by the parties. No costs.

Date: June 17, 2004.
KSR

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CCs to G.P. for Revenue,High Court of A.P, Hyderabad (O.U.T)

2.2CD copies

3.The District Collector, Ananthapur District, Ananthapur.

4.The M.R.O,Puttaparthi Town, Ananthapur District.